

IN THE UNITED STATES PATENT OFFICE

APPLICATION OF BRIAN L. WILT)
ET AL.)
SERIAL NUMBER 10/602,128)
FILED: JUNE 24, 2003)
TITLE: LIGHT-WEIGHT HIGH)
RESOLUTION VIEWER)
EXAMINER: THONG Q. NGUYEN)

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DECLARATION UNDER 37 C.F.R. §1.132

I, JOHN R. ROGERS, do hereby state and declare the following:

I am a Principal Engineer for Optical Research Associates in Pasadena, California. Optical Research Associates is one of the world's largest independent optical services organization, and the developer of leading optical design and analysis software packages. I have been employed by Optical Research Associates since 1997.

I have a B.S in Mathematics from Virginia Polytechnic Institute, and both an M.S. and a Ph.D. in Optics from the University of Arizona. I have about 20 years of experience in the field of optics. I have published 13 articles or papers in the field of optics and hold 8 patents related to optical systems.

My experience ranges from conceptual design of optical systems through assembly and alignment. My design experience is with such diverse

systems as photogrammetry for clinical dental use, visual and biocular and binocular systems, FLIR systems, stereographic cartography equipment, scanning lenses, tilt sensors, interferometers from the deep UV to the thermal IR as well as differential interference microscopes, and MTF and distortion test equipment. I have taught optical testing, geometrical optics, and lens design at the university level.

I have reviewed and understood the subject matter of Kerr Corporation's pending U.S. Patent Application Serial No. 10/602,128 (the '128 Application). I make the following comments based on my education, knowledge and experience in the field of optics.

In my opinion, a person skilled in the field of optics, having read the '128 Application would have, after sufficient study, understood that the diameters listed in Tables 1 and 2 were the clear lens aperture diameters for parent lens elements from which the optical loupes disclosed in the Application are to be formed.

In particular, it is my opinion that it would be apparent to persons skilled in the art that Tables 1 and 2 do not define the non-circular shape of the lens elements. Although there are references to Figures 1, 2, 3A and 3B in the section labeled "Detailed Description" leading up to Tables 1 and 2, the detailed description of the size and shape of the apertures is not given until the reference to Figure 9. This reference occurs on p. 12, and follows Table 2.

Moreover, to specify the non-circular lens shapes, as set forth in the text and in Figure 9 of the Application, the tables would need to specify the center points, labeled C2 and C3 in Figure 9. Since the tables do not list these center points, it is evident that the diameters in the tables do not refer to values equal to twice the radii labeled R_s or R_c in Figure 9, but instead to the diameters of the parent lens elements that must first be built in order that the lens elements may be later trimmed down to the shape indicated in Figure 9.


Accordingly, it is my opinion that a reasonable person skilled in this art would have understood that the diameters presented in the tables of construction data represented the clear aperture diameters of the parent lens elements, and that in the cases in which two values are given for a single element, these represent the clear aperture diameters for the first and second surface of that element, as is often the case for rotationally symmetric elements. Further, a person skilled in this art would have understood that the magnification loupes disclosed later in the detailed description could be formed by removing material from the parent lens elements to obtain the desired non-circular shape.

Further, Declarant sayeth naught.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like, so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code,

and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.

Respectfully submitted,


John R. Rogers, Ph.D.